

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 14-01673 RGK (MRWx)	Date	September 29, 2014
Title	<i>THOUSAND OAKS HEART CENTER, INC. v. AETNA LIFE INS. CO.</i>		

Present: The
Honorable

R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams (Not Present)

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings:

(IN CHAMBERS) Order Re: Plaintiff's Motion for Leave to File a Second Amended Complaint (DE 23 and 26); Order Severing and Dropping; and Order Remanding Action to State Court

On January 13, 2014, Thousand Oaks Heart Center ("Plaintiff") filed a Complaint alleging a claim for Quantum Meruit against Aetna Life Insurance Company ("Defendant"). In its Complaint, Plaintiff seeks payment for medical services rendered to eight different patients who were individual enrollees of the Defendant's health plan. On January 21, 2014, Plaintiff filed a First Amended Complaint expanding the claim to include money owed from services rendered to one additional patient. On March 6, 2014, Defendant removed the action based on diversity jurisdiction.

On July 31, 2014, Plaintiff filed the current Motion to Amend First Amended Complaint. Plaintiff seeks, once again, to expand the claim for Quantum Meruit to include money owed from services rendered to another patient. On September 17, 2014, the Court continued this motion and ordered the parties to file additional briefing as to why it is appropriate for Plaintiff's action to be composed of multiple, unrelated patient claims. Plaintiff timely submitted its further briefing on September 23, 2014.

Upon review of the parties' arguments and Plaintiff's further briefing, the Court hereby **denies** Plaintiff's Motion for Leave to File a Second Amended Complaint. Moreover, the Court finds Plaintiff's claims relating to multiple, unrelated patients constitute a misjoinder. Therefore, under Federal Rule of Civil Procedure 21, the Court **severs and drops** all claims related to all patients except for Patient No. 14277. Upon review of the surviving claim against Defendant, the Court finds that the action fails to meet requisite amount in controversy for diversity jurisdiction. As such, the Court **remands** the surviving claim to state court for all further proceedings.

IT IS SO ORDERED.

Initials of Preparer